

IN THE UNITED STATES COURT FOR THE DISTRICT OF UTAH
CENTRAL DIVISION

UNITED STATES OF AMERICA, Plaintiff, vs. CHRISTOPHER BURKE BROWN, Defendant.	MEMORANDUM DECISION AND ORDER GRANTING DEFENDANT'S MOTION FOR EARLY TERMINATION OF SUPERVISED RELEASE Case No. 2:04-CR-530 TS
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This matter is before the Court on Defendant's second Motion for Early Termination of Supervised Release.

BACKGROUND

On November 4, 2004, Defendant pleaded guilty to Possession of a Firearm and Ammunition by a Convicted Felon. Defendant was sentenced on January 24, 2005, to 30 months custody followed by 36 months supervised release and was ordered to pay a \$100 special assessment fee. Judgment was entered on September 16, 2005. Defendant was released from the custody of the Bureau of Prisons on March 29, 2007, and began his 36-month term of supervised release on the same day.

Defendant filed his first Motion for Early Termination of Supervised Release on October 10, 2008. At that time, Defendant had completed less than two years of his three-year term of supervised release. The government opposed the Motion on various grounds, including that Defendant had violated the terms of supervised release in an earlier case and that he had served less than half of his three-year term in this case. The Court denied the first Motion finding “that early termination of Defendant’s term of supervised release was not warranted by the conduct of the offender and [] in the interest of justice” at that time.¹ However, the denial was without prejudice to allow renewal of the Motion at a later date.

On April 22, 2009, Defendant filed his Second Motion for Early Termination. The government’s attorney has been notified, has had a reasonable opportunity to object, and has not filed an objection. Accordingly, no hearing is required.²

DISCUSSION

If a defendant has completed at least one year of supervised release, 18 U.S.C. § 3583(e) permits the Court to terminate supervised release prior to completion of the entire term, if the Court is satisfied that such action is 1) warranted by the conduct of an offender

¹Docket No. 27 at 3.

²Fed. R. Crim. P. 32.1(c) (hearing required to modify conditions of supervised release unless the relief sought is favorable to defendant, does not extend the term of his supervised release and “an attorney for the government has received notice of the relief sought, has had a reasonable opportunity to object, and has not done so.”).

and 2) is in the interest of justice.³ In making this determination, the Court must consider many of the factors set forth in 18 U.S.C. § 3553(a), to the extent they are applicable.⁴

The Court has considered these factors, has reviewed the docket and case file, and has consulted with Defendant's supervising probation officer. The Court finds as follows: Defendant has been compliant with all the terms of his supervised release and directives of the probation office. He has maintained full-time employment, completed substance abuse treatment, has undergone periodic testing, and has had no violations. In addition, he has satisfied the financial obligations imposed by the Sentence.

The Court has considered the required factors. Despite a substantial criminal history and a supervised release violation in a previous case, Defendant has established a different course of conduct during the two years of his supervised release in the present case. In the present case, he has demonstrated an ability to conform to the terms of his supervision and has established a law abiding life.

Based on these findings and on consideration of all of the applicable § 3553(a) factors, the Court finds that the early termination of Defendant's term of supervised release is both warranted by the conduct of the offender and is in the interest of justice at this time.

CONCLUSION

Based upon the above, it is hereby


³18 U.S.C. § 3583(e).

⁴*Id.* (directing that the court consider factors set forth in § 3553(a)(1), (a)(2)(B), (a)(2)(C), (a)(2)(D), (a)(4), (a)(5), (a)(6), and (a)(7)).

ORDERED that second Defendant's Motion for Early Termination of Supervised Release (Docket No. 28) is GRANTED.

DATED this 19th day of May, 2009.

BY THE COURT:



TED STEWART
United States District Judge